

1
2
3
4
5
6
7 UNITED STATES OF AMERICA,
8 Plaintiff,
9
10 v.
11 ARCHULETA-PERKINS,
12 Defendant.

Case No. 24-cr-00360-JSC-1

13
14 **ORDER DENYING MOTION FOR**
15 **FUNDS**

16 Re: Dkt. No. 49

17
18 Pursuant to a plea agreement, Defendant was convicted of bank fraud and money
19 laundering arising from his embezzlement of his former employer. Also pursuant to the plea
20 agreement, the judgment of conviction included an obligation for Defendant to pay \$1,321,752 in
21 restitution to his victims.

22
23 Defendant and his spouse, Timothy Archuleta-Perkins, sold two California properties they
24 had acquired during their marriage—one house in San Francisco and one in Palm Springs. The
25 net proceeds from those sales total approximately \$309,659 and are in the registry of the Court.
26 They now seek a judicial ruling that Defendant's spouse Timothy is an "innocent spouse" and
27 therefore 50% of the funds held by the Clerk of the Court should be released and returned to
28 Defendant's spouse.

29
30 The motion is DENIED. Defendant's judgment of conviction requires him to pay
31 restitution pursuant to the Mandatory Victim Restitution Act (MVRA), 18 U.S.C. § 3663(a).
32 Defendant and his spouse do not dispute the funds in the Clerk's registry are community property.
33 Under binding Ninth Circuit precedent, Defendant's spouse is liable for Mr. Archuleta's
34 restitution debt. *United States v. Berger*, 574 F.3d 1202, 1205 (9th Cir. 2009) ("Thus, even though
35 Richard is the only spouse who is a party to the judgment for the debt at issue here, under the
36 law, he is liable for the entire amount of the debt because the debt is a community debt."))

1 MVRA and California law the Proceeds' community property status makes Cornella liable for that
2 debt.”).

3 This Order disposes of Docket No. 49.

4 **IT IS SO ORDERED.**

5 Dated: August 20, 2025



6
7 JACQUELINE SCOTT CORLEY
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28